

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYRELL JOHN T.J. CONNOR,

Defendant.

CR-10-24-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on December 22, 2015. (Doc. 168.) Neither party filed objections. When a party makes no objections, the Court need not review de novo the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149–152 (1986). The Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on November 24, 2015, which was continued and concluded on December 16, 2015. (Doc. 160.) Connor admitted to violating his conditions of supervised release by: (1) using methamphetamine; (2) failing to report for substance abuse treatment; (3) failing to

report for substance abuse testing; (4) failing to make restitution payments; and admitted in part the fifth allegation of failing to report to his probation officer as directed. (*Id.*) Judge Johnston found the evidence sufficient to establish that Connor had violated the conditions of his supervised release. (*Id.*)

Judge Johnston recommends that the Court revoke Connor's supervised release. (Doc. 168.) Judge Johnston recommends that the Court sentence Connor to 99 days in custody with 46 months of supervised release to follow with the first 180 days in a residential reentry center. (*Id.*) Judge Johnston also recommends that the Court recommend that Connor be placed at the CCA Crossroads Correctional Facility in Shelby, Montana. (*Id.*)

Connor's violation grade is Grade C, his underlying offense is a Class B felony, and his criminal history category is I. He could be incarcerated for up to 36 months. He could be ordered to remain on supervised release for up to 50 months, less any custody time imposed. The United States Sentencing Guidelines call for three to nine months in custody.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Connor's current violation is serious in nature. A sentence of imprisonment for 99 days with 46 months of supervised release to follow is sufficient, but not greater than necessary.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 168) is ADOPTED IN FULL.

IT IS FURTHER ORDERED:

(1) that Defendant Tyrell John T.J. Connor's supervised release shall be revoked and he shall be committed to the custody of the United States Bureau of Prisons for 99 days with 46 months of supervised release to follow, the first 180 days of which shall be served in a residential reentry center; and

(2) that Connor shall be placed at the CCA Crossroads Correctional Facility in Shelby, Montana.

DATED this 5th day of January, 2015.



Brian Morris
United States District Court Judge